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PATENT
5589-02305/P688-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Nikoonahad et al.

Serial No. 09/957,468

Filed: September 20, 2001

For: METHODS AND SYSTEMS FOR
DETERMINING A CRITICAL
DIMENSION, A PRESENCE OF
DEFECTS, AND A THIN FILM
CHARACTERISTIC OF A SPECIMEN

§ Group Art Unit: 2877

§ Examiner: Pham, H.

§ Atty. Dkt. No. 5589-02305

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on the date indicated below:

Oct. 31, 2003
Date

Pamela Gerik
Pamela Gerik

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REJECTION OVER PENDING SECOND APPLICATIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Sir/Madam:

1. KLA-Tencor, Inc. is the owner of all rights in the captioned application.
2. As sole owner in the captioned application, KLA-Tencor, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on pending second Application Serial No. 09/956,837 titled "METHODS AND SYSTEMS FOR DETERMINING FLATNESS, A PRESENCE OF DEFECTS, AND A THIN FILM CHARACTERISTIC OF A SPECIMEN" filed on September 20, 2001; Application Serial No. 09/956,852 titled "SYSTEMS AND METHODS FOR DETERMINING A CRITICAL DIMENSION AND A THIN FILM CHARACTERISTIC OF A SPECIMEN" filed September 20, 2001; Application Serial No. 09/956,848 titled "SYSTEMS AND METHODS FOR DETERMINING A CRITICAL DIMENSION AND A PRESENCE OF DEFECTS ON A SPECIMEN" filed September 20, 2001; and Application Serial No. 09/956,839 titled "METHODS AND SYSTEMS FOR DETERMINING AT LEAST FOUR PROPERTIES OF A SPECIMEN" filed September 20, 2001. In addition, it is agreed that any patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

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3. In making the above disclaimer, KLA-Tencor, Inc. does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

4. KLA-Tencor, Inc. certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above.

5. The Commissioner is hereby authorized to charge the Terminal Disclaimer fee under 37 CFR 1.20(d) to Conley Rose, P.C. deposit account no. 03-2769/5589-02305.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 § 1001 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted



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